

PROB 12A  
(7/93)

**United States District Court  
for  
Eastern District of New York  
Report on Offender Under Supervision**

Name of Offender: **Keith Smith**

Case Number: **CR-06-0706 (S-3)-07**

Name of Sentencing Judicial Officer: **The Honorable David G. Trager, Sr. U.S. District Judge**

Date of Original Sentence: **September 17, 2007**

Original Offense: **Conspiracy to Distribute and Possess With Intent to Distribute Cocaine Base**

Original Sentence: **One Hundred and Fifty-One Months Custody; Three Years Supervised Release**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **December 8, 2009**

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**NON-COMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

<b><u>Violation Number</u></b>	<b><u>Nature of Noncompliance</u></b>
1.	New Criminal Offense-Criminal Possession of a Controlled Substance
2.	New Criminal Offense-Disorderly Conduct

U.S. Probation Officer Action:


On December 28, 2010, the offender was arrested by officers of the New York City Police Department and charged with Criminal Possession of a Controlled Substance in the seventh degree, NYSPL 220.03, a class A Misdemeanor, and Disorderly Conduct:Obstructing Traffic, NYSPL 240.20, a Violation. Officer Michael Iovine, informed the undersigned that the offender and another individual were observed sitting on the entry steps of a residential building, blocking pedestrian access to it. A record check revealed an open warrant issued in 2005 in the Bronx for an open container offense, and the offender was arrested. Officer Iovine asked the offender if he had any drugs in his possession, which he denied. However, subsequent to a search at the precinct, the offender was found to be concealing fourteen "ziplock" bags of crack cocaine on his person.


The offender promptly notified the undersigned of the arrest upon his release the following day, but denies the allegations. He claims that while at the precinct he was searched three times, and nothing was found on him. Officers then conducted a "strip" search in the bathroom, and found bags of crack cocaine on the floor, claiming to have observed him remove them from his clothing. The offender advised he is fighting the case and proceeding to trial.

The offender is currently unemployed but has provided documentation substantiating a reported medical injury sustained during his previous place of employment while on supervision, and all urine tests have returned negative for illicit drugs. At this time, the Probation Department respectfully requests no action be taken to allow us to await disposition of the case, at which time we will immediately notify the Court with a recommended course of action. However, we await Your Honor's decision in this matter.

Respectfully submitted:

by

  
Richard S. Koury  
U.S. Probation Officer

  
Joseph R. Franco  
Supervising U.S. Probation Officer  
Date: August 26, 2010

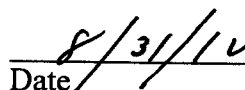
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*Please indicate the Court's response below and return to the U.S. Probation Officer*

- ☒ Await Disposition  
☐ Submit a Request for Warrant or Summons  
☐ Other

s/ DGT

\_\_\_\_\_  
Signature of Judicial Officer

  
\_\_\_\_\_  
Date